1: Herskovits E-4, 5 (1938) 1937 SV3 Haiti SV3
Mirebalais

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CHAPTER IV

THE SETTING OF HAITIAN LIFE

SINCE the discovery by the Spaniards that the wealth of Haiti lay rather in cultivating sugar than in the exploitation of gold mines, its dominant economy has been agricultural. In the valley of Mirebalais, as elsewhere in the island, the small cultivator holds the center of the economic stage. In the main he works his own land, inherited from his father or acquired through purchase. He may also cultivate additional plots of ground which he rents, since much of the land expropriated when independence was gained was retained by the State and today is leased for nominal fees.[1]

The life of the Haitian farmer, though hard, is simple and self-contained. With but few exceptions, he supplies all his necessities, for he commands almost the entire range of techniques known to his culture; hence Haitian economy shows a lack of specialization that in the main is only relieved by the sex division of labor. The day's work begins at dawn, the women rising before the men to prepare coffee, the invariable drink of early morning. When finished with his breakfast, the farmer goes to his field, where, except for the hottest hours, he works until sundown, his one meal being brought to him at about nine or ten o'clock in the morning. His wife meanwhile occupies herself with her household tasks, pounding grain in her mortar or working in her garden near by.

1: Herskovits E-4, 5 (1934) 1937 SV3 Haiti SV3
Mirebalais

belong to the father, who, in turn, is the legally recognized father of all the offspring of his wife unless he divorces her — something which, because of Church regulations, occurs but rarely. Children born outside legal marriage have no right to the name of their father. Such a one is entered under his mother's name in the record of births, though he may and often does take his father's name in school or later in life, this ultimately becoming the name by which he is known and which he hands on to his children. It is in the inheritance of the father's property that children born of the various types of matings are said to be most strongly differentiated, though it was particularly with this method of distributing heritable goods reported in Mirebalais that officials in the capital disagreed. The assertion is made that while the children of a "legal" wife inherit three quarters of the estate, and the other "natural" children receive one fourth, the "illegitimate" offspring have no legal right to any of the dead man's property. They must either be provided for by their father before his death or be aided on occasion by a natural brother who has inherited from their common father and feels a moral obligation toward these children of their father. Children of plural wives call each other by the terms "brother" and "sister," and in some instances they get on fairly well together. More generally, however, their attitudes toward one another are colored by those of their mothers, so that verbal if not physical encounters may take place when they meet.

Where, as perhaps in the majority of cases, there is a monogamous union, "legal" or "*placée*," cemented by mutual affection and mutual interest in the future of the children, life goes on calmly. Each spouse performs the tasks allotted by custom, and the children are reared in an atmosphere which varies with the fortunes and temperaments of those who make up the household. Fathers are said to prefer their daughters, and mothers their sons, among their children, but for this the Haitian has no explanation other than the phrase: "This is natural."

1: Herskovits E-4, 5 (1934) 1937 SV3 Haiti SV3
Mirebalais

today not only in Mirebalais, but, in their essential outlines, throughout the Republic.

The larger relationship grouping originates in the immediate family, and the formation of new extended families is a continuing arc. Characteristically, the process begins when a man leaves the habitation of his father and, with his wife, settles on land somewhat remote from the dwellings of either his people or those of his wife. As the sons of this couple grow up and marry, they make their homes near that of their father, so that in time a group of immediate families related in the paternal line clusters about the dwelling of this original settler, forming a habitation. The continuation of the process depends upon the amount of land available to the group; in any event, given enough time, land to permit all the male descendants of the founder to support themselves and their families will be lacking, so that the younger men will repeat the process that has been described, and themselves become the founders of new habitations whose members, with the passing of generations, will eventually be lost to the original group. While land is available, a young man is given several hectares by his father when he marries, and here he establishes his household. If the family have prospered, additional land is bought as more young men grow up, so that the relationship group may become a community of considerable size.

In accordance with this rule of residence, only rarely will a man settle on the property of his wife's parents, since to do so reflects unfavorably on his personal status. When this does occur, it is probably because of a serious quarrel with his own people. In such a case, if his marriage endures, he becomes a quasi-member of his wife's family, but unless he has committed some extremely grave offense, such as publicly insulting or striking a parent or grandparent, he does not forfeit membership in his own group.[1] Similarly, the fact of his having settled away from the habitation of his family does not disinherit him, for, as will be seen, this occurs in but the

1: Herskovits E-4, 5 (1934) 1937 SV3 Haiti SV3
Mirebalais

rarest of instances, and only by fixed legal procedure, since mere verbal denial of family rights cannot deprive a person of his inheritance.

Within the immediate family it is the duty of the man to procure food for his wife and children. When his fields have been harvested, the produce is taken to the house and given to the wife, who retains a portion of it for the needs of the household and sells the surplus at the market, using the money to buy clothing and other necessaries for her husband, her children, and herself. A part of the sum she receives may be used to purchase animals to be used for transport, food, or breeding-purposes; and whatever money is left over is saved, particularly if a desirable plot of ground is available, or a mass and ceremony for the ancestors or promised rituals for the gods are in prospect. The woman, who is held to be more thrifty than the man, is thus the banker of the family. Her opinion is prized by her husband, and though a man has the legal right to dispose of a horse or a cow or his own land as he desires, in most households nothing would be done until the wife was consulted. It is true that quarrels often arise concerning family funds held by the wife, especially when a man questions the accounting given him, or on occasion when he wants money to bet on a cock-fight or for drinking or other personal needs whose cost he does not care to have reviewed. But for many men the problem is quite well solved by the expedient of deducting a sum from his earnings without telling his wife that she has not been given the full amount.

It is only in relatively small matters that the membership of a household acts as a self-determining unit. In affairs of greater moment the extended family must figure, for despite the informality of its organization — at least as manifested in Mirebalais — and its lack of legal sanction, its power, especially as lodged in the old folk, is none the less real. It is because of this that it is said: "The peasant consults his elders about everything he does." When a transaction of some im-

1: Herskovits E-4, 5 (1934) 1937 SV3 Haiti SV3
Mirebalais

portance is being considered, particularly where the buying or selling of some land is involved, all the members of a habitation may be consulted and the opinion of the oldest man in the family, the "family head," is almost invariably followed. At the death of a man his widow inherits all his property for the duration of her lifetime or until she remarries. Her children by her dead husband, if minors, do not receive their inheritance at once, but the elders of the habitation of their father hold this property in trust for them and act as their guardians. The deities of the *vodun* cult are believed to be inherited in family lines, a tradition that gives the larger family one of its most pronouncedly African traits; while the accompanying African belief in the inheritance of the soul within the family, despite its existence in Mirebalais principally as a survival, is yet of importance in adding its sanction to help maintain the inner cohesion of the group.[2]

It may be well at this point to investigate the position, duties, and powers of the oldest male member of the group, who is the head of this informal extended family.[3] His house must be in the ancestral habitation, though he need not live in the same dwelling as his predecessor. Just as he is consulted on projects of a secular nature, his is the important voice in the worship of the ancestors and the family gods. He does not carry on the actual routine of the cult unless he is a priest, but no ceremony would be attempted without his consent and full instructions from him, and the call for the rite would be made in his name.

Examples of the exercise of his power in various circumstances are given. "He may threaten: 'Very well. If you will not listen, I am through. Do what you like.'" In such a case he will refuse "to extend his hand" when a member of his family meets some difficulty, and a man thus punished forfeits the outstanding economic advantage of belonging to his relationship group, the right to call on the members of his family for aid when he is in trouble. For otherwise all relatives

1: Herskovits E-4, 5 (1934) 1937 SV3 Haiti SV3
Mirebalais

596 [581] [603] parents are friendly toward each other, so that the conflict that might result from a division of authority rarely develops. Were it otherwise, it could easily happen that a person who had been ordered, or forbidden, to do something against his own wishes by the head of his paternal family would plead with the head of his mother's group and receive support to justify his disobedience. To most Haitians such a hypothetical incident was amusing to contemplate, for the elders are said always to work together. Rare is the occasion when one interferes with the decision of another, and never to the knowledge of the subject of such a decision.

596 888 626 A family elder who has no sons to care for him is well looked after by the other members of the group "until the grave." Fear as well as a moral obligation prompts this. "He might curse you," it is explained, or "He might say: 'Watch out for your own old age! You mistreated me in my old age, and you will suffer in yours.'" Such pronouncements are greatly dreaded, especially because of his control over the supernatural forces that aid or harm the family and its members.

● 428 The closeness of the tie between social institutions and economic life is most evident in the matter of inheritance. For though the prestige that accrues from the possession of wealth makes for strong competition through the exercise of individual initiative, yet supporting the struggle of an individual for the augmentation of his holdings are the forces of family sanction and family aid, while his very start in life is obtained primarily through the help of his relatives during their lifetime or the property he inherits from them at their death.

428 858 As has been suggested, all a man's children by a "legally" married wife inherit from him, or, if he has not espoused a wife by a Church wedding, the children of his *placée* wife or wives receive his property. Whether or not it is true that the 428 858 "legitimate" children inherit three quarters of the possessions of their father, the "natural" children one fourth, and 769

1: Herskovits E-4, 5 (1934) 1937 SV3 Haiti SV3
Mirebalais

the "illegitimate" none, it would seem that the children of the legal marriage have a "social duty" to care for those of a *placée* wife who receive nothing, a moral obligation which is met because of a far stronger sanction than the fear of gossip. The belief holds that the dead will deeply resent an injustice to any of his children and will cause misfortune to befall a man who does not fulfill his duty toward those who should have shared in the property of their father.

Those who do inherit divide the land, flocks, herds, and all other possessions of the deceased equally, regardless of age or sex. If a man is wealthy, he may draw up a will providing for the disposal of such items of his property as under Haitian law it is not mandatory to apportion among his children. Where there is not enough land to permit each of the survivors to work an individual plot, this may be sold and the money distributed, or those who retain the land may buy an equivalent acreage elsewhere for the others, so that some of the members of the family leave the habitation to make new homes of their own in the manner already described. Similarly, though in dividing the land it is customary to allot a good parcel to the son who has worked it, if the other land is much worse and the division is disputed, an arrangement paralleling the one described may be made to allow of a fairer division. When an heir who, for instance, has taken up permanent residence in Port-au-Prince wishes to dispose of his share instead of returning to work it or of having it cultivated for him, he sells it to his brothers and sisters, or, rarely, to a stranger, for all effort is made to retain ancestral land within the family. Similarly, a part of the property of the dead may be sold to meet claims on his estate—debts or funeral costs or the expense of erecting a tomb. This would be particularly true if these expenses had been met by one of the heirs, in which case he must be compensated before the estate may be divided. Consultation with the family elders always precedes such action, however.

1: Herskovits E-4, 5 (1934) 1937 SV3 Haiti SV3
Mirebalais

428 423 691 The division of the land is said almost invariably to entail lawsuits, and some litigations have been known to stretch over a period of a decade and more, for, as one resident of Mirebalais remarked, " Because of a few feet of land a peasant will, if necessary, spend a thousand gourdes at court." If a woman is the heir, her husband may intervene in a dispute to protect her interests, but if the matter goes to court, only the husband of a " married " wife has a right to appear as an interested party; the mate of a *placée* may only act as a witness. When minor grandchildren inherit, their mother, whether married or *placée*, is their legal guardian and may enter suit to protect their interests.

428 423 583 562 The rights of a woman to the property of her father may be nullified if a dowry has been given her husband at the time of her " legal " marriage, though dowries are rarely given among peasants. If she is a *placée*, or if a dowry had not passed at the time of her " marriage," the land she inherits from her parents is held by her for her children, who will in time inherit it from her, so that many parcels of land deemed by natives to belong to a single family group are found to be divided among people who bear different surnames. It is not without interest to note in passing that in contrast to the acrid disputes which characterize the settlement of a father's goods, the distribution of a mother's property is seldom disturbed by dissension.

42 In addition to land and money, which form the most important part of any estate, are the flocks, herds, and beasts of burden of the dead man, and his personal tools and implements. These are sometimes willed to brothers and sisters or favorite nephews. Land and money, however, may not be alienated, but must go to the man's own children or to such others as may have been legally adopted. A child can be deprived of participation in the estate only if formally disinherited by means of a sworn document attested before a notary. As has been stated, daughters who have been given

1: Herskovits E-4, 5 (1934) 1937 SV3 Haiti SV3 Mirebalais

a dowry forfeit their share, but even when a formal dot has not passed, the number of animals given her when she went to her husband is mentioned and she is sometimes asked to waive a corresponding portion of her share in consideration of what she has already received. If she refuses to do this, however, there is no recourse but to allow her her full share, though public opinion would censure such greed.

Debts incurred by the dead must be repaid before the estate can be settled, while attempts are also made to collect all loans made by him. Where no written statement of a debt exists, a declaration by the dying man before witnesses is necessary; otherwise his heirs acknowledge their obligation at their pleasure. Conversely, if no statement attested by a notary exists to verify a loan made by him, his heirs have no means of collecting it. On the whole, lending has been found through experience to be ill-advised unless such a "paper" has been executed before a notary, and land has been pledged as collateral either before the head of the family of the borrower or before a magistrate. For though interest is not demanded by the peasants, and loans are made as a gesture of friendship, "even the people of the hills"—to use the Mirebalais idiom for the most naïve rustics—have learned that just debts are often not repaid where there is no legally enforceable claim.

A man who dies childless leaves his property to his brothers and sisters by the same father and mother. The husband of a "legally" married woman who dies childless is said to have the right to one fourth of her property, the rest going to her relatives, but most often "they drive him away," giving him nothing, and since a man is customarily too proud to contest the matter, he does not insist on receiving his due. A childless widow continues to live in her dead husband's house until her death, and she also receives one fourth of her husband's property. At her death the house passes to her husband's relatives, but the quarter of his estate which she had received goes to her family.

1: Herskovits E-4, 5 (1936) 1937 SV3 Haiti SV3
Mirebalais

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One other aspect of the apportionment of the land of an estate remains to be considered, the matter of leaving land for the support of ancestral ceremonies. There is no general agreement in Mirebalais as to the customary practice. It was first stated that four or five *carreaux* of land, which a man himself had "held in trust," are added to the inheritance of the eldest son, to be similarly held by him. The "trustee" calls in the other members of the family to help work this land, and the proceeds from marketing its entire yield are devoted to the support of family rituals, or used for such other general purposes as aiding a member of the family who requires funds to save himself from disgrace, and the family from scandalous gossip.

The practice of alienating land to provide for the worship of the ancestors would appear to be common in the southern peninsula and in the plain of the Cul-de-Sac; and one person, not a native of Mirebalais, told how he found it impossible to buy some land he wished to acquire because it had been consecrated for this purpose. Certain men cited examples of land which had belonged to the "old, old people of the family," control of which was vested in the family head and could therefore never be divided or sold. But this is land where the family house of worship stands and where ceremonies for the family deities and ancestors are held, something not at all comparable with setting aside workable land to yield a yearly income for services of the dead. The closest resemblance to this found in Mirebalais is when a man or a woman during life sets aside a portion of land or other belongings, declaring: "When I die, dispose of this and with the proceeds care for the expenses of my funeral and discharge these obligations which I leave you." Other persons spoke of land, which having been in the family for a very long period of time may not be sold, since it had proved to be extremely good, and the "will of the ancients" is that it never be alienated. Those who men-

1: Herskovits E-4, 8 (1934) 1937 SV3 Haiti SV3
Mirebalais

tioned this latter instance advanced it as a possible alternative to the custom found elsewhere in Haiti, adding that it was the duty of the living to honor their ancestors, and not for the ancestors to make provision to honor themselves, particularly since the dead can enforce the discharge of this duty by sending illness, bad fortune, and death to those of their descendants who are remiss.

To a very appreciable degree, what is inherited forms the foundation of whatever wealth a man may accumulate during his lifetime. Yet there are few, among the peasants at least, who do not seek by all means to add to their heritage, for among those folk the ambition to obtain more and more land is a dominating one. To this end the peasant skimps and saves, depriving himself even of his important needs, until at the proper time some choice parcel of ground comes on the market.

How does a man go about accumulating the funds necessary to amass property? Ordinarily a young man is given a plot of ground by his father, and the produce, as mentioned, is marketed for him by his mother, who saves the proceeds for him. When he marries, his wife takes over this task, and together the two strive to extract as large earnings as possible from his plot. In addition, a man may take a *job*. Such work, always paid for by the unit rather than by the day or week, is usually that of cultivating a plot of ground for its owner, and the amount agreed upon is paid when the field has been harvested. The young man at the same time can also cultivate his own fields and participate in communal labor. Another way of adding to the earnings of his fields is to help the large landowners on their cotton plantations. This work is paid for in kind with baskets of cotton, which in turn are sold to factors who come from the coast to buy both large and small quantities. A man may also increase his income by working in the cane-fields or at the caldrons when the sirup is boiled. Each

2: Courlander 8-3 (1937-1955) 1960 3V3 Haiti 3V3

857 828 handle it; lighter work first, heavier work later. Small boys tend cattle and help the men in the fields.

178 511 The Haitian *habitant* (the peasant) is poorer and hungrier today than he was fifty years ago, or even twenty years ago. In 1935 I visited a number of peasant families I had known since 1932, and with hardly an exception I found them worse off than they had been before. Their [134] tiny landholdings had shrunk. Some land that had been lush had dried up and eroded. Little groves of trees had disappeared. Clothes had become shabby, and many of the men could no longer afford to wear the inexpensive traditional blue denim costume that was once so common. In the cities there is evidence that some of the elite have improved their life. But in a large part of the countryside the peasants are finding that the old system that served them *for* a hundred and fifty years can no longer feed them adequately.

423 178 One of the adverse forces is the shrinking of landholdings. Once a peasant family may have owned and worked fifty or seventy acres of ground. But it is traditional that on a man's death his land is divided ● [428] among the heirs. If a man with fifty acres of land has two sons, each son inherits approximately twenty-five acres. On their deaths, the land *is again subdivided. But even this is not the whole story.* A UNESCO 423 427 survey of the Marbial Valley region in south Haiti in 1948–1949 reported:

> At the turn of the century there were numerous peasant families who lived in relatively easy circumstances, and who possessed as much as thirty to forty *carreaux* * of land planted with coffee and subsistence crops. The heirs of these lands, when they [425] found themselves in straitened circumstances, would sell some parcels of it in the hope of being able to increase their holdings again later on. In the worst cases they became the tenants of absentee landlords who lived in the cities. Nowadays, not only is the size of holdings very small, sometimes only one-eighth of a *carreau*, but they are also scattered, and most peasants are obliged to go from one place to another to cultivate their various owned, rented, or share-cropped fields.[A]

671 595 423 848 Haitian law—the civil code—does not recognize the rights of illegitimate children born after a legal marriage. But Haitian custom does. As a result, a Haitian who has a *placée* wife in addition to his "legal" wife may circumvent the law by deeding to her a portion of his gardens during his lifetime, thereby diminishing his holdings.

423 691 Furthermore, many landholdings are not clearly defined. There are few accurate surveys, and often the boundaries are vague. Titles to many of the holdings cannot be clearly established, and as a result there are constant lawsuits. To pay the expenses of defending his interests in court, a Haitian may have to sell a strip of his land.

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* A *carreau* is about three and a third acres.

§ [A [UNESCO, The Haiti Pilot Project, p. 18. Cf. P352, Category 116. -- Analyst]

2: Courlander B-4 (1937-1955) 1960 8V3 Ha2i 8V3

relations between the husband and the wife's family, it is nevertheless commonplace for men who can afford it to have more than one wife.

[5]Simpson, in "Sexual and Familial Institutions in Northern Haiti," *American Anthropologist*, October-December, 1941, p. 656, observes that in northern Haiti there are three distinct types of plaçage. "A *femme-cáille* shares her mate's house, while a *maman pitite* is a woman who has been children for a man without living in his house. A *femme placée* does not live in her consort's house, and she has given him no children." Although most of these women has any legal rights of inheritance, Simpson notes, "moral claims to a man's property stand in descending order for these three classes of placées."

[6]Johnston, *The Negro in the New World*.

[7]UNESCO, *The Haiti Pilot Project*, p. 18.

[8]Simpson, "Haitian Peasant Economy," *Journal of Negro History*, October, 1940, p. 515.

[9]The group work patterns of Haiti show a common ancestry with Negro gang work patterns in the United States. While nothing as formalized as the coumbite persists among American Negroes, similarities are striking. The emphasis on rhythm, the swinging of hammers or picks in unison, the need for a singing leader, the responsive chorus, and the frequent use of some kind of percussion to keep time, all derive from a common concept of the nature of group work.

[10]Herskovits, "Some Aspects of Dahomean Ethnology," *Africa*, Vol. V (July, 1932), pp. 266-296.

[11]Cardinall, *Tales Told in Togoland* (p. 109), observes that among the Krachi people of Togoland "no man may have sexual intercourse with a woman for seven days before he goes hunting."

[12]An Ashanti story told by Rattray in *Akan-Ashanti Folk-Tales* credits the hedgehog with owning the original hoe; according to this version, the hoe escaped across the sea to the country of the white men, who then possessed the secret. Afterward, the white men brought many hoes to Ashanti.

Chapter 11: *Dancing and Dance Drama* (*pp. 126-136*)

[1]Quoted in Courlander, *Haiti Singing*, p. 73.

[2]Actually a banjo-like instrument of African provenience. The similarity of the word *banza* to *banjo* appears to be more than a coincidence.

[3]Saint-Méry, *De la danse*, as translated by Lillian Moore in "Moreau de Saint-Méry and Dance," *Dance Index*, October, 1946, p. 238.

[4]Moore, *op. cit.*, p. 238.

[5]Brandy or rum with gunpowder is sometimes drunk by persons possessed by the loa Ogoun, deity of war.

[6]Moore, *op. cit.*, p. 238.

[7]United Nations photograph no. 62265.

[8]Students of United States Negro life will recognize the word *round'jaille* as a variant of *round'jine*, a dance known on the lower Mississippi. According to one observer, Dr. Willis James of Spelman College, Atlanta, small Negro boys on the docks used to call to the boat passengers:

> "Throw me a nickel
> Throw me a dime
> If you want to see me
> Do the round'jine."

The term *round'jine* is still used to mean hand-loading of cotton bales on river boats. When this loading was done mainly by hand some years ago, the stevedores worked rhythmically in a line and sang. An old man from Louisiana testified that within his own memory the dockside *round'jine* was accompanied by makeshift drums and other percussion.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

to Christophe's serfs in the North to cause defections ultimately sufficient to win the civil war for the republic."

Those who would read into Pétion's democratization of land tenure the liberal convictions of a far-sighted statesman must ignore the evidence of his earliest land acts. For two or three years nothing was so apparent as that Pétion wished to please his friends, the mulatto aristocrats. He not only had the Senate restore to their former owners all lands of which Dessalines had despoiled them, but he also agreed to a law authorizing a cash payment up to the full value of crops planted and then lost during the last year of the Emperor's rule.[22] By these concessions the President immediately wiped out the rancor left behind him by Dessalines, reversed that ruler's whole land policy, gained the support of thousands of aspirants for social position, and bound in personal loyalty to his régime all the colored leaders.

He went further. Insecurity of tenure under Dessalines had worried landlords who were not actually mulcted of their estates, and so the President undertook to guarantee security. Thereafter all sales of land were to be registered by government deed, and so confirmed to the purchaser in perpetuity; government courts would be empowered to settle disputes over payment of rents; proof of the death of the testator must be forthcoming before wills could be probated. Not even the single limitation on ownership—that if the proprietor of an estate should remain away from Haiti the state might lease his property and receive the income from it—disturbed them, for they were patriots enough, and poor enough, to feel that Haitians should live at home.

As if this were not enough to please the landed gentry, the tax

21. Saint-Rémy, *Pétion et Haïti* (Paris, 1854–57), V, 163–166, suggests another reason, namely, that people will always be more ready to defend land they actually own than for an impersonal state. This sounds logical, but certainly the Negroes had fought ardently enough to drive out the French in 1803, landless though they were. Saint-Rémy continues: "And moreover, was it not time to dismember the enormous plantations which still bore the names of those colonists whose mother country might still at any moment descend to reclaim their heritage? And could this dismemberment be achieved otherwise than by giving the people an honorable title to it?"

22. Two successive laws, February 9 and March 16, 1807, achieved these ends. The former specified that all persons who, by purchase or gift or legacy, had acquired land before November 1, 1803 (when Rochambeau surrendered) or since February 7, 1804 (when Dessalines had ordered a confirmation of all titles) should be newly assured of their rights to such holdings. There was a single, possibly unimportant, limitation: the acquisition must have been *by* Haitians *from* Haitians.

3: Leyburn Z-4, 5 (no date) 1966
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recognized that the really important characteristics peculiar to the peasant are his sentiments and attitudes, the intense attachment to his native soil and family tradition, which, even in the economic sphere, take precedence over the desire for individual advancement and gain."[51]

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Haiti in 1804 was still a country of large estates, and Dessalines and Christophe strove to keep it so. Under the active generosity of Pétion and the passive indifference of Boyer after his Code Rural had failed, few great plantations were left intact. The recorded donations of these two presidents to their generals, civil functionaries, and lesser officers, are as follows:[52]

134 grants of 150 carreaux (about 450 acres).			Total: 59,300 acres.
176	35	105	18,480
639	30	90	57,510
711	25	75	54,325
2,322	20	60	139,320
8,000	5	15	120,000
			Grand total: 448,935 acres.

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Haiti followed French law rather than British, so that the rule of primogeniture did not prevail. It requires only a moment's reflection to see that even within a single generation the thousands of small properties noted in the table would be subdivided many times, since a father apportioned his land to all his sons. By 1842 it is probable that not a single plantation of the size common in colonial times was still intact.[53] On the testimony of numerous government officials and commandants of arrondissements, it was estimated in that year that 46,610 small landed properties were under fair cultivation.[54] If the population at that time be estimated at 800,000, seven eighths of whom were engaged in agriculture, there would accordingly be about fifteen people (including children) to each rural property. But

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A large number of small estates are left out of this account, which are said to be *badly* cultivated, or neglected. Taking the number of each separate

51. C. von Dietze, "Peasantry," in *Encyclopaedia of the Social Sciences*, XII, 30.
52. This table is compiled from figures cited in Armand Thoby, *La Question agraire en Haïti* (Port-au-Prince, 1888), *passim*, and Dr. P. Dalencour, *Le Sauvetage national par le retour à la terre* (Port-au-Prince, 1923), p. 18.
53. See Raymond Renaud, *Le Régime foncier en Haïti* (Paris, 1934), pp. 42–45.
54. Candler, *op. cit.*, p. 122.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

fortunes, that is, a few thousands of dollars, for a small number of élite, and to make the presidency a position economically rewarding enough to justify revolutionary conspiracies. The growth of a peasantry set in train during the long régime of Boyer continued, unbroken even by the numerous insurrections, until fixed in the mores. Land owned by the countryfolk was divided and redivided among their heirs, so that even holdings of moderate size became smaller.

Not one of the twenty-two rulers following Boyer made the slightest effort to return the country to the forced labor system of Dessalines and Christophe. They seemed to recognize the inevitability of a peasant way of life, or at least the impossibility of luring the people back to directed labor after a long experience of freedom. On the contrary, several presidents still further parceled the land.

President Guerrier, for example, the very year after Boyer was deposed, put on sale at moderate prices those state lands in the North not reserved for public use.[5] If the revolutionaries of 1843 had hoped to bring back Christophe's system of forced labor, their hopes were doomed to disappointment because of the state's need of immediate income. Christophe's state land areas were now broken up in the one part of the country where a few large plantations still existed.

President Geffrard in 1862 gave his blessing to small ownership, the basis of peasantry. Whereas Pétion's laws had prohibited sales of land in parcels less than fifteen acres, Geffrard's law regularized the leasing and sale of national property in lots of fifteen acres *at most*. Geffrard was the first president openly to admit that many government lands had been lost to citizens by squatting. In an endeavor to give legality to land held by squatters' rights, his law demanded that squatters register their claims, announcing that within a short time there would be no further dismemberment of the national patrimony except by grants and sales.[6] Few registrations were made, however, for the Haitian peasant had already acquired a suspicion of legal documents he could not read or understand, and he could see no reason for legalizing a status in which, with the squatter's tenacity and inertia, he already felt himself secure.

Haiti was in constant financial straits. Money had to be borrowed

5. By a law of September 23, 1844.
6. Law of August 24, 1862. The articles cited here are 2 and 4.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

erosity and equity now gave way to malevolence and personal license:

> Putting no restraint upon his passions, he travelled about, followed by actors, dancers, musicians, and courtesans. An indefatigable dancer, as soon as he arrived in a place he gave a ball. Under Toussaint Louverture, in order to please the Governor-General everyone approached the holy altar; under Dessalines one gained glory by dancing well. The Emperor, giving himself up to scandalous pleasures, forgot that he was head of the state. The greatest immorality reigned about him. With a gaiety sometimes grotesque, he told the ladies who frequented his court how much he admired their beauty, no matter how ugly they actually were. Following his example, his major officers of state kept concubines in every town in the empire. . . . When the emperor entered a town, the honest women were gravely disturbed, for their virtue was menaced not only by him but also by his officers of state. Many mothers kept their daughters shut up to keep them from the notice of those who were powerful enough to take them, with impunity, by violence.[3]

Marriage, then, looked at from the standards of any white Western country, was in a sorry state in Haiti. Continued warfare had broken up many even of the families which, though unrecognized by the white planters, had nevertheless been formed during slavery; and the camp life of soldiers roaming the countryside confirmed the casual attitude of the people toward sex. Every ex-slave was a hero, and liberty was sweet. Under Dessalines it was scarcely wise for a prominent man to marry an attractive wife, the Emperor might so soon set himself to seduce her. Above all, there was no tradition of formal marriage. This was the chief factor to bear upon future marriage and sexual customs of the Haitians; and in appraising them is the paramount fact to keep in mind.

Meanwhile, children were being born. Their mothers were known, but often the fathers were not, for the vast majority of infants were born out of wedlock. Dessalines, a realist except in matters which touched his vanity, saw the necessity of establishing a status for these children, not on grounds of morality but for economic expediency, to avoid future disputes over inheritance. French precedent did not serve his need, for according to French law an illegitimate child may not inherit: a parent in France is not free to leave his property as he will, but must pass it on to his legitimate heirs.

3. Thomas Madiou, *Histoire d'Haïti*, III, 239.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

175 While the broad problems of marriage, inheritance, and legiti-
512 macy were not to be solved by the official act of any ruler, the efforts made, particularly those by Dessalines and Christophe, had their effect upon the development of the marital institution in Haiti.

671 "Whereas," begins the preamble of Dessalines' law of May 28,
848 1805, "it is necessary to fix in immutable order the status and rights of children born out of wedlock, and whereas it is important to reconcile what nature and society owe them with the political interests of the state," therefore it behooves the government to lay
[581] down the specific rules which follow. Nothing in the law pushes the people toward marriage, but every provision strengthens the family, which they had known both in Africa and in the slave régime of the colony.

175 Henceforth no stigma is to attach to the fact of illegitimacy, nor is
671 there to be discrimination in favor of children born in wedlock. The
848 status of a child will depend upon recognition by its parents. If a
● 428 child's maternal connection is established, he has rights in her property; if the father likewise recognize his offspring, the child has rights in the paternal property; even if the recognition of a child is so long delayed that the parents die, that child who can prove his descent is to receive the name and his own share of property from the deceased. There is but one single provision in which an illegitimate child has an inferior status: should a couple decide to be legally married, they must recognize the natural offspring of either party before or during the wedding ceremony, if such children are to have full claims of inheritance; delay until after the ceremony cuts their claim to only one fourth that of children born legitimately; refusal to recognize the natural child disinherits him, unless he can prove his descent.

[422] Since the Emperor was already engaged upon his campaign to
[423] acquire lands for the state, the property rights guaranteed would refer chiefly to personal property, and only secondarily to land still owned by individuals. Both men and women owned personal property, however, and must therefore pass on this property, a definite percentage going to each son and daughter.

The law is weak in some of its details. It does not specify, for example, how an unmarried father shall leave his property—whether by name to each child he has recognized as his own, or by name to the mothers of his children. It is strong in that it is simple: property

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

must pass to an illegitimate child if recognition is accorded. It is likewise strong in its harmony with actual conditions: in the absence of legal marriage among the people, it would have been manifestly unfair to favor a few fortunate children. Dessalines argued that the revolution had legitimized all Haitians; that it was unjust to prevent a child's inheriting from the person who had given him life; and that since all Haitians had come out of slavery and degradation into freedom, no new inequalities should be instituted.[4]

If this law encouraged family life, it weakened marriage both of the civil and religious kind: where was the sense in the expensive luxury of a wedding when children were just as legitimate without it? By conforming to folk practice the Emperor confirmed it. Only the aristocrats disliked his law, for it seemed to make light of one of the distinctions they cherished—the formal wedding. It irked them to have the State place a casual child upon an equal plane with one born after proper marriage.

At still another point the law accorded with living conditions at the time. During the years of fighting many men had been killed, and always the large standing army kept thousands of others away from settled farm life. Home, then, was for a child the abode of his mother—a fact recognized by the law's insistence upon maternal relationship rather than paternity. Such a word as "matriarchate" has no place here; but from the days of Dessalines to modern times, the lowly Haitian thinks of his home primarily as where his mother lives.

As if the advantages of formal wedding were not already sufficiently weakened by this law, other enactments of the empire struck at other phases of marriage. Divorce was permitted for adultery, for incompatibility of temperament or character, and by mutual consent. Such provisions not only broke away completely from Catholic practice, but made getting out of wedlock a casual matter of taking an oath. The complaint of incompatibility need be made by only one spouse; "mutual consent" as a ground for divorce was probably not allowed in 1805 in any other country of the Western World.

Dessalines did not appear to care one whit for the good opinion of white foreigners. It sufficed for him if Haiti endured, whatever Europeans thought of her. Christophe, on the other hand, was extremely sensitive to foreign disapproval. Many of his official acts can

4. According to the testimony of Madiou, *op. cit.*, III, 216.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

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be explained only as efforts to win outside respect for his kingdom of blacks. He was aware of the scorn in which white people held the apparent absence of all sexual morality in Haiti, and so set about introducing reforms. Even as a general he had opposed the dissoluteness of Dessalines.

175 643 582 671 581 [595]

In an early pronouncement Christophe proscribes concubinage (by which he meant the unmarried unions of the people), libertinage, and "all those disorders which weaken the family." To proscribe an evil is not necessarily to put an end to it, however, and so he tried also to persuade and educate his people to the habit of full legal marriage. His steps at persuasion were various. In speeches he urged weddings upon his subjects; yet a man could see little reason for tying himself to one woman for life, assuming *legal* responsibilities at an expense, when already from experience he knew that he could have a woman's loyalty without the ceremony. Although weddings somewhat increased after 1806, Christophe's verbal campaign was a failure. He next tried force. In one town he made all the females assemble in the public square; then, separating the married from the unmarried, commanded his royal guards to advance, each to select an unmarried woman who should become his wife. At other times he selected young men and women by lot and had them married "by their King's authority." No nobleman in the kingdom could long remain unwed: indeed, Queen Victoria might have approved Christophe's solicitude for the moral uprightness of the Haitian court.

175 671 848 428

Another means by which Christophe forced his people into formal marriage was the indirect one of attacking property rights. Realizing that Dessalines' law by guaranteeing inheritance to natural children encouraged people to remain unmarried, he rescinded it by one of the first acts of his rule.[5] This act reëstablished French practice, making it all but impossible for illegitimate children to inherit anything. Most persons of property found this law persuasive where words had left them cold. Madiou thought the law "excessively severe in a country where nine hundred and ninety-nine out of every thousand of the population were born out of wedlock,"[6] and he spoke of its disharmony with general practice at the time. Actually,

5. Law of March 23, 1807.
6. Madiou, *op. cit.*, III, 411.

it seems not radically to have affected the masses but only the fairly well-to-do.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

it seems not radically to have affected the masses but only the fairly well-to-do.

The *Royal Almanac* for the year 1814 touches proudly upon the moral state of the kingdom. The author of the almanac, the Comte de la Limonade, says: "Great attention is paid to morals and manners. Marriage is honored, protected, and encouraged; no Haitian who is unmarried can fill any place of distinction. Divorce is not permitted." All this was true; yet the mass of Haitians still remained unmarried. Nevertheless, the quotation indicates the extent to which Christophe had gone in his effort to reform marriage and morals among his people; to set them in the European tradition and draw them out of their African and colonial backgrounds.

While Christophe was trying to effect reforms in the North, Pétion was accepting his Southern folk as they were. Hardly a law during his twelve-year administration touches the subject of marriage. The élite colored people continued to make proper legal marriages and so insure the inheritance of their legitimate children. The common folk lived their family lives without weddings, and if property questions arose, custom ruled, backed by public opinion in their little communities.

Such are the backgrounds out of which modern Haitian sex relations have developed. From African tradition came family life, the importance of property to stabilize a union, insignificance of a wedding ceremony, familiarity with matrilineal kinship and descent; from French colonial practice, formal marriage to establish a family with social ambition, casual sex relations for pleasure outside this marriage, the claim of legitimate children to all property (in contrast to folk custom, where few legitimate children were born); from Dessalines, an emphasis upon the African tradition and realism; from Christophe, an insistence upon strict French practice in marriage and in the passage of property.

From among these alternatives Haiti made a choice which is an excellent example of what Keller calls "automatic selection in the mores."[7] There was no congress to select one procedure rather than another. Because Pétion and Boyer followed a *laissez-faire* policy in social matters, the people took the path of least resistance.

7. A. G. Keller, *Societal Evolution* (revised ed., New York, 1931), chaps. IV and V.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

114 consider it novel when it changes little but detail; and some of Haiti's
175 seventeen documents were too short-lived to be significant. Haiti
642 shows her Frenchness in this constitution making, this love of being
171 logical and having the details all written down in proper order.

175 To try to analyze the content of so many documents would be a work of supererogation.[5] A brief comment upon each, however, will improve one's acquaintance with the mind of Haitian statesmen.

175 1801. Toussaint L'Ouverture's constitution, laying the framework
642 of his venture as director of the colony while still acknowledging its
466 relationship to France. In it he announced himself governor-general for life with the right to name his successor, thereby becoming the forerunner of the strong-man principle in politics. The most important part of this constitution was its detailed organization of the forced-labor system.

175 1805. Dessalines' constitution establishing the empire. In many
642 respects it did not differ from Toussaint's previous document, for the
563 same military organization was preserved, and the same system of forced labor; otherwise, there was little structure of government. One article was included which was to appear in every other constitution of Haiti up to 1918: "No white man shall set foot on this territory as master or as landowner."[6] In other respects there were sagacious provisions which did not endure. For example, the generic name of "blacks" was adopted for all Haitians, of whatever color.
175 The Emperor was trying thus to forestall the dissensions which
642 inevitably must result from the growth of social classes based on skin
[463] color. Another important provision was that every citizen who was not an ordinary cultivator must learn and practice some mechanical art. This was not merely a thrust at the aristocratic pretensions of the old affranchis, but also an endeavor to make Haiti industrious and self-sufficient. Except in the North, where Dessalines' deputy Christophe kept the requirement, the article was honored only in the breach. The social situation was touched at one other point: "No one is worthy of being a Haitian who is not a good father, a good son, a good husband, and a good soldier." Parents were forbidden to
[428] disinherit their children. Although, as has been shown, the Emperor

5. Such an analysis was made by Louis-Joseph Janvier, *Les Constitutions d'Haïti, 1801–83* (Paris, 1886).

6. He had made this declaration first on April 28, 1804; at that time the words "No white man" read "No colonist nor European."